

**Introduced by Senator Kuehl**February 11, 2004

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An act to add Section 1170.195 to the Penal Code, relating to juvenile crime.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1223, as introduced, Kuehl. Criminal law: juveniles.

Existing law provides for the prosecution of certain minors in adult court rather than in juvenile court.

This bill would, except as specified, give sentencing courts the discretion to review and reduce, suspend, or reduce and suspend the sentence of a minor who was prosecuted as an adult, after the person has served 10 years of his or her sentence or has reached the age of 25. By changing the penalty for a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1170.195 is added to the Penal Code, to  
2 read:



1 1170.195. (a) Notwithstanding subdivision (b) of Section  
2 1168 and Section 1170, upon motion and after 30 days notice to the  
3 prosecution, the sentencing court may review the sentence of a  
4 person, who was under the age of 18 at the time of the offense and  
5 was prosecuted as an adult, after the person has served 10 years of  
6 his or her sentence or after the person has reached 25 years of age.  
7 After reviewing the sentence, the judge may suspend the sentence,  
8 reduce the sentence to any sentence that could lawfully have been  
9 ordered at the time of the original judgement, or both reduce and  
10 suspend the sentence.

11 (b) This section does not apply to a person sentenced pursuant  
12 to Section 190.2, subdivisions (b) to (i), inclusive, of Section 667,  
13 or Section 1170.12.

14 SEC. 2. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the penalty  
19 for a crime or infraction, within the meaning of Section 17556 of  
20 the Government Code, or changes the definition of a crime within  
21 the meaning of Section 6 of Article XIII B of the California  
22 Constitution.

